THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.10619 of 1997

Date 19.01.2007

Between:
T.Koti Reddy & 4 others.

.....
PETITIONERS

AND

The Mandal Revenue Officer,
Pedapalli Mandal,
Karimnagar District & another.

.....RESPONDENTS

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ORDER:

This writ petition has been instituted to declare the action of the 1st respondent-Mandal Revenue Officer, Pedapalli, in issuing impugned notice, dated 15-03-1997, in File No.E/8586/97 in Form No.1 in respect of Survey Nos.296/A, 296/B, 296/3-A, 296/3-B, 296/3-C, 296/4-B, 296/5 and 296/7 situate at Rangapur village of Pedapalli Mandal, Karimnagar District, as illegal and arbitrary.

2. The writ petitioners have been called upon by the Mandal Revenue Officer, Pedapalli, through his notice, dated 15-03-1997, to show cause as to why they should not be summarily evicted from the land said to have been acquired by them situate in Rangapur village, Karimnagar District. The said show cause proceeds on the premise that the petitioners have acquired the title to the land in question in contravention of the provisions contained in sub-Section 2 of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') inasmuch as they have acquired the same by transfer from those in whose favour the land was assigned. The Counter affidavit filed by the Mandal Revenue Officer has asserted that the land in question has been assigned in favour of landless poor persons of Rangapur village, the details of which have been furnished. The counter affidavit further proceeds that such assigned lands are prohibited from sale or transfer in terms of the provisions contained in the Act. Therefore, the impugned notice has been issued calling upon

the petitioners. It has also been further asserted that the writ petitioners have since submitted their explanations, but however this Court by its order, dated

13-05-1997, directed the writ petitioners not to be evicted from the lands in question. The issue has not been finalized and no final orders have been passed in accordance with Section 4 of the Act. This apart, a right of appeal and a further right of revision have also been provided for in terms of Sections 4-A and 4-B of the Act, and therefore, the writ petitioners ought not have rushed to this Court straightaway against the show cause notice, dated

15-03-1997. Unfortunately, the scope and width of the orders passed by this Court on 13-05-1997 have not been correctly comprehended by the respondents. This court as an interim measure has merely sought to protect the possession of the writ petitioners. It had specifically asked the enquiry to be completed and final orders be passed in the matter. Since final orders have not been passed so far pursuant to the show cause notice, dated 15-03-1997, I consider it appropriate to direct the 1st respondent-Mandal Revenue Officer, Pedapalli, to quickly terminate the proceedings by finalizing action, as is considered proper within next two months. At any rate the issue be determined before 31st of March, 2007.

3. With the above observation the writ petition is disposed of. However, there shall be no order as to costs.

NOOTY RAMAMOHANA RAO, J

19th January, 2007
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